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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,219	07/02/2003	John Sheridan Richards	600.1281	5761
23280	7590	09/03/2004	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			HAMDAN, WASSEEM H	
		ART UNIT	PAPER NUMBER	2854

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/612,219	RICHARDS, JOHN SHERIDAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Wasseem H Hamdan	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 July 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al. (US Patent 4,694,749).

Regarding claims 1, 13 and 14, Takeuchi et al. discloses a method and apparatus for presetting motor phase in a web printing press [FIG. 2; column 2, lines 19-48] comprising the steps of:

providing a mark [column 1, lines 44-45] on a first printing form [column 1, line 45 (printing form means the same as printing plate)], the mark being a function of a desired preset phase for a motor driving the first printing form during printing [column 1, lines 46-48];  
reading the mark using a sensor, the sensor having a sensor output [column 1, lines 42-47] ; and

presetting the phase of the motor as a function of the sensor output [column 1, line 43].

Regarding claim 14, Takeuchi et al. discloses controller [column 1, line 55] for determining the first preset motor phase information as a function of the output of the first sensor [column 1, lines 42-60].

Regarding claim 2, Takeuchi et al. discloses wherein the desired preset phase is a function of a physical position of the mark on the first printing form [column 1, lines 42-47].

Regarding claims 3 and 4, Takeuchi et al. discloses wherein the mark includes information related to the desired preset phase [column 1, lines 42-47].

Regarding claim 5, Takeuchi et al. discloses wherein the printing form is a lithographic printing plate [column 1, line 14; offset printing press is the same as lithographic printing, please see Handbook of print media, page 52, section 1.3.2.3, a copy is included (and in PTO 892 form in the office action)].

Regarding claim 6, Takeuchi et al. discloses wherein the mark is located outside a main image area of the printing plate [m].

Regarding claim 7, Takeuchi et al. discloses placing the mark on the printing plate during a prepress process [column 14, lines 35-61].

Regarding claim 8, Takeuchi et al. discloses wherein the sensor reads the mark when the first printing form is on the printing press [m; 61; column 14, lines 35-61].

Regarding claim 10, Takeuchi et al. discloses a second mark [FIG. 2; 61] on a second printing form [FIG. 2; column 2, lines 34-35; 55-56], the second mark being a function of a

desired preset phase for a second motor [20] driving the second printing form during printing, the first and second printing forms printing different webs [FIG. 2; 61; 2a; 20-26].

Regarding claim 11, Takeuchi et al. discloses calculating the desired preset phase for a specific job [column 11, lines 44-60].

Regarding claim 12, Takeuchi et al. discloses storing the desired preset phase [column 1, lines 40-41].

Regarding claim 16, Takeuchi et al. discloses a second printing group for printing a second web and having at least one second drive motor and at least one second printing form, the second printing form having a second mark providing second preset motor phase information for presetting the second drive motor to a second preset phase [FIG. 2; 61; 2a; 20-26].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US Patent 4,694,749) in view of Banke (US Patent 4,872,407).

Takeuchi et al. discloses the essential elements of the claimed invention except for wherein the sensor reads the mark prior to placement of the printing plate on the printing press. Banke discloses the sensor reads the mark prior to placement of the printing plate on the printing press [6, 5, 1; Abstract]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Takeuchi et al. by including the sensor reads the mark prior to placement of the printing plate on the printing press, the skilled artisan would have been motivated to modify Takeuchi et al. to add the sensor reads the mark prior to placement of the printing plate on the printing press, since having the sensor reads the mark prior to placement of the printing plate on the printing press would be beneficial for the purpose of properly positioning the plate to the cylinder.

5. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US Patent 4,694,749) in view of Chretinat et al. (US Patent 6,167,806 B1).

Regarding claim 15, Takeuchi et al. discloses having a cutting device for cutting the web into signatures, the first preset motor phase information being a function of a reference position of the cutting device [column 4, lines 20-22].

Takeuchi et al. discloses the essential elements of the claimed invention except for a folder. Chretinat et al. discloses a folder [10; column 6, lines 41-43]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Takeuchi et al. by including a folder, the skilled artisan would have been motivated to modify Takeuchi et al. to add a folder, since having a folder would be beneficial for

the purpose of folding the printing material after being cut, storing and delivering it to the user, basically to make up a specific product such as magazines or newspaper as taught by Chretinat et al..

Regarding claim 17, Takeuchi et al. discloses Takeuchi et al. discloses the essential elements of the claimed invention except for that the controller controls the first and the second drive motors. Chretinat et al. discloses that the controller controls the first and the second drive motors [6; column 6, lines 44-47]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Takeuchi et al. by including that the controller controls the first and the second drive motors, the skilled artisan would have been motivated to modify Takeuchi et al. to add a that the controller controls the first and the second drive motors, since having a second printing group for printing a second web would be beneficial for the purpose of folding the printing material after being cut, storing and deliver it to the user, basically to make up a specific product such as magazines or newspaper as taught by Chretinat et al..

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US Patent 4,694,749) in view of Hunold et al. (US Patent 6,165,732 B2).

Regarding claim 18, Takeuchi et al. discloses the essential elements of the claimed invention except for a printing form imaging device connected to the controller for creating the mark. Hunold et al. discloses a printing form imaging device connected to the controller for creating the mark [column 7, lines 34-46; 53-64; column 8, lines 15-17]. It would have been

obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Hunold et al. by including a printing form imaging device connected to the controller for creating the mark, the skilled artisan would have been motivated to modify Takeuchi et al. to include a printing form imaging device connected to the controller for creating the mark, since having a printing form imaging device connected to the controller for creating the mark would be beneficial for the purpose one printing device for the printing plate and the register mark in one machine.

***Response to Arguments***

7. Applicant's remarks filed on 07/19/2004 are moot, since a new rejection is presented as set forth in this office action as necessitated by the amendment.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H Hamdan whose telephone number is (571) 272-2166. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wasseem H. Hamdan

August 26, 2004



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